

MEMO ENDORSED

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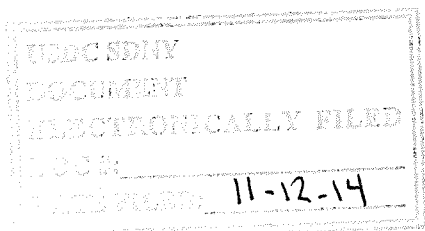
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November 6, 2014

Honorable Andrew L. Carter, Jr.,
United States District Judge,
Southern District of New York,
500 Pearl Street,
New York, NY 10007.

Re: *In re North Sea Brent Crude Oil Futures Litigation*,
No. 1:13-md-02475 (ALC)

Dear Judge Carter:

We write on behalf of defendants¹ to request that defendants be permitted to allocate pages as needed between their joint and individual reply briefing in further support of their motions to dismiss the amended complaints in *In re North Sea Brent Crude Oil Futures Litigation*, No. 1:13-md-02475 (ALC) and *Harter v. BP p.l.c., et al.*, Case No. 1:13-cv-07443 (ALC).

On June 24, 2014, your Honor granted defendants' request (i) to share 100 pages for joint motion to dismiss briefing, and (ii) for 15 pages of supplemental briefing per defendant (or group of affiliated or related defendants) per complaint. (Dkt. No. 159.) That same day, your Honor granted plaintiffs' request for page limits "equal to the number of . . . pages that the Court allows for defendants' [motions to dismiss]." (Dkt. No. 161.) Plaintiffs have allocated that briefing flexibly among briefs responding to defendants' joint motions to dismiss (to which plaintiffs devoted 107 pages) and briefs responding to defendants' individual briefing.

Under your Honor's June 24, 2014 Order, Defendants are permitted to respond to plaintiffs' 107 pages of joint opposition briefing with no more than 30 pages of joint reply briefing, but each defendant also has additional pages available for

¹ Royal Dutch Shell plc, Shell Trading US Company, BP p.l.c., BP America Inc., BP Corporation North America Inc., Phibro Trading LLC, Morgan Stanley, Trafigura AG, Trafigura Beheer B.V., Hess Energy Trading Company, LLC, Mercuria Energy Trading, Inc., Vitol, S.A., Vitol, Inc., Statoil ASA and Statoil US Holdings Inc.

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individual reply briefs. (Dkt. No. 159.) Defendants respectfully request that the Court permit defendants to allocate pages from defendants' individual reply briefing to defendants' joint reply briefing. In doing so, defendants will not exceed the total number of pages of reply briefing that the Court allowed in its June 24, 2014 Order. This alternative allocation will permit defendants to respond fully to plaintiffs' joint opposition briefing, and to fully brief the Court on the impact of two recent Second Circuit cases² on defendants' arguments that plaintiffs' complaints exceed the extraterritorial reach of U.S. law.

Defendants have conferred with plaintiffs, who do not object to this request.

Respectfully,

/s/ Daryl A. Libow

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*Attorneys for BP p.l.c., BP America
Inc. and BP Corporation North
America Inc.*

cc: Counsel of Record (via ECF)

Defendants' request to reallocate pages between their joint and individual replies is DENIED. However, the number of pages for the joint reply briefing is increased from 30 total to 45 pages total. Pages allotted for individual

² *Loginovskaya v. Batratchenko*, 764 F.3d 266 (2d Cir. 2014); *Parkcentral Global Hub Ltd. v. Porsche Auto. Holdings SE*, 763 F.3d 198 (2d Cir. 2014).

replies

remains the same

So Ordered.

Andrew L. Carter, Jr.
11.12.14